



# State of West Virginia Office of Technology

## Procedure: [Requesting Technical Investigations](#)

Issued by the CTO

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Procedure No: WVOT-PR1001

Issue Date: 02.26.08

Revised:

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### 1.0 PURPOSE (Underlined terms are defined in Section 5.0 of document)

The purpose of this [Procedure](#) is to specify the process for State Agencies when requesting an investigation into any State [employee's](#) technology-based activity. **This procedure should not be construed to convey any expectation of privacy.**

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### 2.0 SCOPE

This procedure applies to all Departments (including Agencies, Boards, and Commissions) within the Executive Branch of West Virginia State Government, excluding constitutional officers, the West Virginia Board of Education, the West Virginia Department of Education, and the county boards of education. However, the [West Virginia Office of Technology](#) (WVOT) recommends that all Agencies, including those excluded above, follow this procedure.

Supervisors and managers must follow this procedure to initiate investigations of persons using State equipment and systems.

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### 3.0 REQUIREMENTS

- 3.1 To gain access to information about employees' technology-based activities, a suspected violation of law or policy should be identified to initiate the required technical investigations.
- 3.2 Any supervisor or manager may initiate a **request** for access. However, only [Office Directors](#), [Commissioners](#), [Cabinet Secretaries](#), or the [\\*Legislature's Commission on Special Investigations](#) have the authority to **approve and submit** requests for investigations of staff in their **own** office, agency, or department. (*\* may request from any office*)
- 3.3 Agencies should exercise discretion when requesting reports of user activities, and should involve both Agency Legal and [Personnel](#) services in the decision to submit such requests.

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- 3.4 The Service Desk, or any WVOT employee, must immediately transfer all investigation requests to the [Office of Information Security and Controls \(OISC\)](#).
- 3.5 All employees involved in technical investigations are required to keep all information discovered in the process confidential.
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## 4.0 PROCEDURE

- 4.1 When requesting a technology-related investigation for any State employee the following information must be provided (See "Appendix A", *Requesting a Technical Investigation of an Employee*):
- 4.1.1 Name, title, agency name, and phone number of the supervisor or manager requesting the investigation;
- 4.1.2 Name, [e-mail](#) address, and [userid](#) of the individual whose activity will be investigated;
- 4.1.3 Purpose of Investigation or Suspected Violation (ex: to confirm suspicion of abuse or misuse; to remove cloud of suspicion, to validate user presence, etc.) As a guide to the kinds of violations that merit investigation, examples include, but are not limited to the following:
- 4.1.3.1 Suspected violations of the law. Examples include, but may not be limited to the following:
- Criminal enterprise;
  - Sexual harassment; and
  - Willful misuse of legally protected information, etc.
- 4.1.3.2 Suspected violations of State policy. Examples include, but may not be limited to the following (For more

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information, see “Appendix A” of WVOT-PO1001 - [West Virginia State Information Security Policy](#):

- Determination of excessive personal use;
- Commercial enterprise purposes or for-profit activities;
- Sexually explicit use;
- Chain letters;
- Behaviors that introduce viruses or other [malware](#);
- Disabling security systems or controls; and
- Breach of confidentiality, unethical conduct.

4.1.4 Interval of Investigation (ex: 03/01/06 to 08/15/06); and

4.1.5 Report Due Date (based upon urgency).

4.2 If it becomes necessary to expedite the delivery of a request, the [Chief Information Security Officer](#) (CISO) or, if the CISO is unavailable, the [Chief Technology Officer](#) (CTO) should be contacted for immediate assistance.

4.3 The CISO will work with other Directors as needed to assign investigative tasks to the appropriate technicians.

4.4 The WVOT will perform a best-effort investigation over the specified interval to determine the existence of findings that could indicate a violation. The authorized requestor agrees to the following:

4.4.1 The WVOT may utilize any sources, tools, or technologies needed to provide the most accurate, detailed, and relevant information possible;

4.4.2 The individual under investigation will remain separated from the investigator at all times; and

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4.4.3 All acquired materials and data gathered will remain in the custody of the investigator. Materials may be acquired in two ways:

- Remotely (requires chain of custody form)
- On-Site

4.5 The CISO will send the authorized requestor a detailed report of the findings resulting from the investigation. This will follow the same path as the request (technician –CISO– requestor). A copy of the report may (when warranted) also be forwarded to the Agency Personnel Office and the West Virginia Division of Personnel. Criminal activity findings may be reported directly to law enforcement.

4.6 Agencies using investigative services provided by the WVOT may be billed according to a standard rate structure.

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## 5.0 ENFORCEMENT

Not applicable to this document

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## 6.0 DEFINITIONS

6.1 Cabinet Secretary – The leader of a Department appointed by the Governor.

6.2 Chief Information Security Officer (CISO) - Person designated by the CTO to oversee Information Security practices and initiatives for the Executive Branch of WV State government, excluding the constitutional officers.

6.3 Chief Technology Officer (CTO) – The person responsible for the State's information resources.

6.4 Commissioner - The leader of a State organizational entity (Bureau, Commission, etc.)

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- 6.5 Contractor – Anyone who has a contract with the State or one of its entities.
- 6.6 E-mail – Any message sent electronically through one or more computers and/or communications networks, and in most cases has a human originator and receiver.
- 6.7 Employee – Individuals retained and authorized on a temporary or permanent basis by the State of West Virginia to perform a service. For the purposes of Information Technology and Security policy, the term “employee” shall include the following: contractors, subcontractors, contractors’ employees, volunteers, county health department staff, business associates, and any other persons who are determined and notified by the WVOT to be subject to this policy. This definition does not create any additional rights or duties.
- 6.8 Legislature’s Commission on Special Investigations – The group charged with performing a range of investigative tasks, including suspected purchasing violations, illegal conduct by State employees, conflicts of interest, bribery of State officials, and malfeasance. This body may also recommend action to the Attorney General, prosecuting attorney, or other authority empowered to act upon such recommendation. (See [http://www.legis.state.wv.us/Joint/Special\\_Investigations/csi\\_mission.cfm](http://www.legis.state.wv.us/Joint/Special_Investigations/csi_mission.cfm))
- 6.9 Malware - Software designed to infiltrate or damage a computer system without the owner's informed consent. It is a blend of the words "malicious" and "software". The expression is a general term used by computer professionals to mean a variety of forms of hostile, intrusive, or annoying software or program code.
- 6.10 Office Director – The designated or appointed leader of a state organizational entity who generally reports directly to the head of the agency, such as a Commissioner.
- 6.11 Office of Information Security and Controls (OISC) - The functional unit charged with the responsibility to undertake and sustain initiatives to promote, enhance, monitor, and govern actions, standards, and activities

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necessary to safeguard data and information systems within the Executive Branch of WV, as provided in West Virginia Code §5A-6-4a and the Governor's Executive Order No. 6-06.

- 6.12 Procedure – A series of steps followed in a definite regular order ensuring the consistent and repetitive approach to actions.
- 6.13 Userid – A unique “name” by which each user is identified to a computer system.
- 6.14 West Virginia Division of Personnel – The Division of the Department of Administration established by WV CODE § 29-6-1 *et seq.*, which is responsible for the system of human resource management for operating agencies in the classified and classified-exempt service of West Virginia State government.
- 6.15 West Virginia Office of Technology (WVOT) - The division of the Department of Administration established by WV Code § 5A-6-4a, *et. seq.*, which is led by the State’s CTO and designated to acquire, operate, and maintain the State’s technology infrastructure. The WVOT is responsible for evaluating equipment and services, and reviewing information technology contracts.
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## Requesting a Technical Investigation of an Employee

**\*\*Sections 1 through 3 must be filled out by Supervisors or Managers Only\*\***

### Section 1

1. Supervisor or Manager Originating Investigation Request: \_\_\_\_\_

2. Title: \_\_\_\_\_ 3. Agency: \_\_\_\_\_

4. Phone # \_\_\_\_\_ 5. Email: \_\_\_\_\_

### Section 2

1. Name of Individual to be Investigated: \_\_\_\_\_

2. Email: \_\_\_\_\_ 3. Userid: \_\_\_\_\_

### Section 3

1. Purpose of Investigation or Suspected Violation – (see 4.1.3 of WVOT-PR1001, attach additional pages if necessary to explain)

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2. Interval of Investigation: From \_\_\_\_\_ To: \_\_\_\_\_

3. Report Due Date \_\_\_\_\_

### Section 4

This section must ONLY be filled out by an Office Director, Commissioner, Cabinet Secretary, the Office of Special Investigations, or Equivalent Authority:

1. Has the Technical Investigations procedure been read and understood? \_\_\_\_ Yes \_\_\_\_ No

2. Has sufficient information been provided to support requesting this investigation? \_\_\_\_ Yes \_\_\_\_ No

3. Does your Agency require Legal and/or Personnel approval for investigation actions? \_\_\_\_ Yes \_\_\_\_ No

4. If so, has this request been approved by your Agency Legal and/or Personnel Dept.? \_\_\_\_ Yes \_\_\_\_ No

5. (Print) Name \_\_\_\_\_ 6. Agency \_\_\_\_\_

7. Email \_\_\_\_\_ 8. Phone \_\_\_\_\_

9. Signature \_\_\_\_\_ 10. Date \_\_\_\_\_

*This form must be forwarded to the Chief Information Security Officer (CISO) along with ALL supporting documentation.  
Send by Fax: 304-957-0137 OR Mail: West Virginia Office of Technology, One Davis Square, Charleston, WV 25301*

### Section 5 – \*\*\*Internal Use Only \*\*\*

1. Has the investigator verified the authorizing signature? \_\_\_\_ Yes \_\_\_\_ No

2. Signature of Investigator \_\_\_\_\_ 3. Date \_\_\_\_\_